

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|   |   |                                   |
|---|---|-----------------------------------|
| In re Application of: <b>Michael Teifel <i>et al.</i></b>     | ) |                                   |
|   | ) |                                   |
| U.S. National Phase of: <b>PCT/EP2004/011655</b>              | ) | Group Art Unit: <i>Unassigned</i> |
|   | ) |                                   |
| International Filing Date: <b>October 15, 2004</b>            | ) | Examiner: <i>Unassigned</i>       |
|   | ) |                                   |
| Date of Entry into U.S. National Stage: <b>April 14, 2006</b> | ) |                                   |
|   | ) |                                   |
| For: <b>Method of Administering Cationic Liposomes</b>        | ) |                                   |
| <b>Comprising an Active Drug</b>                              | ) |                                   |

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449 forms. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due with the filing of this paper.

With the exception of U.S. Patents, copies of the listed documents are attached. The present application is a U.S. National Phase Application of International Patent Application PCT/EP2004/011655, filed October 15, 2004 and published as WO 2005/039533 A1. Documents 5-11 were cited in the International Search Report which issued in International Patent Application PCT/EP2004/011655, a copy of which is attached for the Examiner's convenience. Applicants respectfully request that the Examiner consider the listed documents and evidence for consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that the listed documents constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

10/575779

IAPS Rec'd PCT/773 14 APR 2006

Attorney Docket No. 062587-5007

U.S. National Phase of International Application No. PCT/EP2004/011655

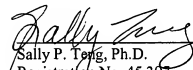
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Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Dated: **April 14, 2006**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
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202-739-3000

Respectfully submitted,  
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## PTO Form 1449

U.S. National Phase of:  
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**Group Art Unit: Unassigned**

| Initial | Document No. | Date              | Name            | Class | Sub-Class | Filing Date      |
|---------|--------------|-------------------|-----------------|-------|-----------|------------------|
| 1.      | US 5,424,073 | June 13, 1995     | Rahman et al.   | 424   | 450       | October 14, 1993 |
| 2.      | US 5,648,090 | July 15, 1997     | Rahman et al.   | 424   | 450       | May 26, 1995     |
| 3.      | US 5,837,283 | November 17, 1998 | Mcdonald et al. | 424   | 450       | March 12, 1997   |
| 4.      | US 6,146,659 | November 14, 2000 | Rahman          | 424   | 450       | July 1, 1998     |
| 5.      | US 6,090,955 | July 18, 2000     | Reszka et al.   | 549   | 510       | June 19, 1997    |

|    | Document No.     | Date               | Country | Class | Sub-Class | Translation |
|----|------------------|--------------------|---------|-------|-----------|-------------|
| 6. | WO 98/40052 A    | September 17, 1998 | WIPO    |       |           |             |
| 7. | WO 01/017508 A   | March 15, 2001     | WIPO    |       |           |             |
| 8. | WO 2004/002455 A | January 8, 2004    | WIPO    |       |           |             |
| 9. | WO 2004/002468 A | January 8, 2004    | WIPO    |       |           |             |

10. Campbell RB et al. (2001) "Influence of cationic lipids on the stability and membrane properties of paclitaxel-containing liposomes" *J Pharm Sci.* 90(8):1091-1105
11. Emerson DL (2000) "Liposomal delivery of camptothecins" *Pharm. Sci. Technol. Today* 3(6):205-209

Examiner /James Schultz/ (03/29/2010)

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JDS/ (03/29/2010)